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OUR VIEW

Amendment 2 falls, its concerns unresolved

The highest court in the land has ruled Amendment 2's ban on gay-rights laws unconstitutional on a narrow but significant point.

In essence, the court found the measure erects a hurdle for citizens who want to enact laws specifically protecting gays, lesbians or bisexuals from discrimination — a hurdle they wouldn't face if they sought legal protections for some other group. That flouts the constitutional guarantee of equal protection.

This 6-3 decision met with a heated dissent from within court ranks, led by Justice Antonin Scalia. He defended Amendment 2 in part by saying it "is designed to prevent piecemeal deterioration of the sexual morality favored by a majority of Coloradans."

Writing for the majority, Justice Anthony Kennedy countered that "Amendment 2 classifies homosexuals not to further a proper legislative end but to make them unequal to everyone else."

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PERHAPS IRONICALLY, the court's enunciated reasoning on both sides skirts the core issue that had animated many Colorado voters in adopting the measure back in 1992. That issue is whether government should be able to bar so-called private discrimination — by landlords, by employers — against people based on their sexual identity.

Most voters said government shouldn't have such power. That's even as polls also showed that most Coloradans and Americans in general wouldn't themselves discriminate against gays or lesbians if they were in a position to do so.

All of which suggests Amendment 2 was, for so many Coloradans, neither a reflection of "animus toward the class that it affects," as Kennedy contended, nor an attempt to shore up flagging morality, as Scalia believes.

For many, it was simply a desire to check further intrusion by government in this area. In the end, that's what motivated the Gazette Telegraph's editorial support for Amendment 2.

We felt then and feel now that any expansion of anti-discrimination laws — based on sexual orientation or anything else — is by and large unnecessary as well as wrong in principle. It isn't a proper role of limited government to be the arbiter of how private citizens deal with each other's sexuality, on the job or elsewhere.

The same goes for assorted other efforts in recent years, mostly by way of litigation, to establish new rights against ever more kinds of purported discrimination. There have been lawsuits around the country alleging discrimination against everything from obesity to personal hygiene. These incidents are rare, but they are disturbing.

Indeed, all further attempts to govern these matters through the courts, the statehouse or city hall, are an encroachment on Americans' freedom to decide among themselves — gay or straight, fat or thin, etc. — how they will work and live with one another.

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AMENDMENT 2 served as a vehicle, albeit an unconventional one, for shoring up that liberty. It attempted to repeal gay-rights laws already on the books in some Colorado communities, and to forestall the proliferation of those laws elsewhere including at the state level.

Its apparent Achilles' heel was in barring state and local laws aimed only at protecting gays, lesbians and bisexuals, rather than neutrally barring all laws protecting "sexual orientation" from discrimination. Had the amendment's framers taken that latter path in the first place, the court's Monday ruling might well have been different.

At the end of this 3½-year-old saga, it's important to understand what this U.S. Supreme Court ruling *didn't* say about the hotly contested gay-rights debate.

News accounts of this ruling Monday noted that it did not pass judgment on homosexuality. It also should be noted the court didn't say a thing about whether people are actually entitled to legal protection based on sexual orientation. The court only said people can't be singled out as a class and hindered from *seeking* legal protection.

The underlying issue that still must be resolved, then, is the constitutionality of gay-rights laws themselves. Or, for that matter, of any other law that attempts to set standards of acceptance for an ever-broader assortment of society's characteristics.

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THAT'S A TALL task. Here's an even taller one: We also must come together as friends and as fellow citizens of the same community where Amendment 2 was born. Many of us exchanged angry words over this superheated issue, and the time has long since come to put that passion behind us.

The debate will go on, and rightly so. There are widely divergent views of the best public policy.

Let's just remember that behind those views, we are all human beings — often enough with good intentions, though always imperfect. Maybe we can even overlook each other's foibles long enough to find considerable common ground.

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ASAY'S VIEW

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nch-style house her family was mov- into on McArthur Avenue in a north- ntral neighborhood of Colorado rings.

As the former owners of the house wed Kira's parents around, the ager's three children were happily ying close by.

"We thought she was just tagging ng (with us)," said Frank Schager. But ra was elsewhere, playing in the base- ent next to a 400-pound wooden liquor r set on a pedestal against the wall.

"She grabbed ahold of it and it tipped er on her," said her father. "It crushed er little head."

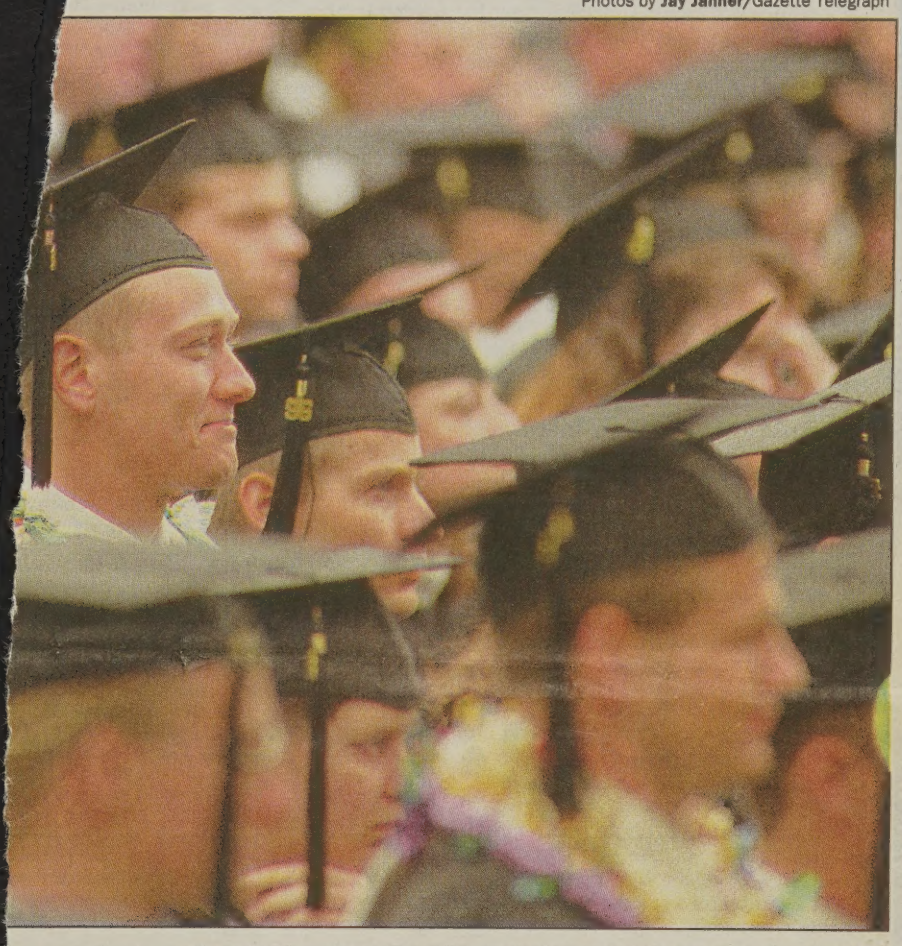
The girl was taken to Memorial Hospital, where she died of massive head injuries at 9:21 p.m., according to police, who ruled the girl's death accidental.

"This is really hard," said Frank Schager. "She was such a joy. She always had a smile, always had a hug for you."

Kira Ann Schager had been a preschool student at Stratton Elementary School, where a memorial fund has been set up for her family.

Those interested in contributing can send checks to Stratton Elementary, 2460 Paseo Road, Colorado Springs 80907. Checks should be made out to the school in care of the Kira Schager Memorial Fund.

Photos by **Jay Janner**/Gazette Telegraph



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CC graduates sent on mission to change world

By **Warren Epstein**/Gazette Telegraph

Oscar Arias Sanchez urged the soon-to-be graduates of Colorado College on Monday to see their diplomas not merely as resume enhancers but as responsibilities.

"All of you, I hope you will generously repay society for the privilege of higher education," said Sanchez, former Costa Rican president and Nobel Peace Prize winner.

Sanchez: Urges graduates to repay society.

To Sanchez, that means emerging from their cloistered college environment to fight arms buildups, injustices and hypocrisies, and working to help those in need.

As chilly winds blew across the campus, Sanchez gave his commencement address to 527 members of CC's class of 1996.

After ending the ceremony by hooting loudly and tossing their caps in the air, some students talked about the social responsibilities Sanchez discussed.

For instance, Ben Bursell, who graduated with a degree in biochemistry, hopes to take some time off to work as a paramedic in Central America before going to medical school.

"I think it falls in line with what (Sanchez) was saying," Bursell said. "I think I could make a difference."

Mark Handy, a political science graduate, talked about teaching in Central America before beginning his career as a free-lance artist.

But for Handy and many of the graduates, talk about life after CC was bittersweet.

"Never again will we be in a community like this, so full of friends, so easy to get together on a daily basis," he said as he smoked a cigar with his fellow intramural hockey players. "It's such a mix of sadness and excitement."

Others seemed simply thrilled to be finished with school and saw the graduation ceremony as a joyous end.

"It's kind of an exclamation point at the end of a long sentence," said Kathryn Hayes, who graduated with a degree in anthropology.

Then she smiled, realizing her pun.

"It wasn't quite a prison sentence, but . . ."

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Space Command at Peterorce Base, has not been arconnection with the

what she says, it was an ," said sheriff's spokesman elsey. "We'll have to see." ctives said they believe the s were in the middle of an ar- t when Herschel Deason ht out his rifle. Jennifer Deaabbed the gun, and as the two fought over it, the gun went off, killing Herschel Deason, deputies said.

The couple's 6-year-old daughter was sleeping at the time, deputies said.

Neighbors were shocked by the shooting. They characterized the Deasons as a fun, happy couple who loved to socialize at barbecues and parties.

They lived in a rust-colored two-story suburban home with a Fraternal Order of Police sticker on the door and a playground in the back yard.

Neighbors said the Deasons were planning to move to Texas in July because Jennifer Deason had recently received a promotion and transfer.

She could not be reached for comment.

Gazette Telegraph staff writer Teresa Owen-Cooper contributed to this report.

For the record/B5